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10		PHARMATECH SOLUTIONS, INC.
17	LINITED STATE	S DISTRICT COURT
		RICT OF CALIFORNIA
18		N JOSE
	JA.	NUCLE
19		Case No. CV11-04494-EJD (PSG)
20	LIFESCAN, INC. and	Cube 110. C 111 OTT) T LID (1 00)
20	LIFESCAN SCOTLAND, LTD.,	STIPULATION AND PROPOSEDE
21		ORDER REGARDING AMENDMENT
21	Plaintiffs,	OF SUPPLEMENTAL CONTENTIONS
22	V.	OF SUPPLEMENTAL CONTENTIONS
23	SHASTA TECHNOLOGIES, LLC, DECISION DIAGNOSTICS CORP.,	
	PHARMATECH SOLUTIONS, INC., and	
24	CONDUCTIVE TECHNOLOGIES, INC.,	
	Combodity Literinologies, inc.,	
25	Defendants.	
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WHEREAS, pursuant to the Patent Scheduling Order in this case (D.E. 131), Plaintiffs
LifeScan, Inc. and LifeScan Scotland, Ltd. (collectively, "Plaintiffs") were directed to serve
Amended Infringement Contentions on October 8, 2012, which were in fact served on October 23
2012;

WHEREAS, three weeks later, counsel for Plaintiffs noted an inaccuracy in the portion of their Amended Infringement Contentions concerning Patent Local Rule 3-1(f);

WHEREAS, upon recognition of the inaccuracy, counsel for Plaintiffs notified Defendants of their desire to amend the portion of their Amended Infringement Contentions concerning Patent Local Rule 3-1(f) to read as follows: "The asserted claims of the '862 patent are entitled to the Feb. 14, 1996 filing date of the application that issued as U.S. Patent No. 5,708,247;"

WHEREAS, prior to serving their Amended Invalidity Contentions, counsel for Defendants InstaCare Corp. and Pharmatech Solutions, Inc. (collectively "InstaCare") indicated that they had no objection to Plaintiffs' proposed amendment;

WHEREAS, Defendants Shasta Technologies LLC and Conductive Technologies Inc. (collectively "Shasta") served invalidity contentions on November 26, 2012 that identified the priority date of the '862 patent as February 14, 1996, consistent with Plaintiffs proposed amendment;

WHEREAS, Plaintiffs' diligence in notifying Defendants regarding the inaccuracy in their Amended Infringement Contentions prior to Defendants' service of Amended Invalidity Contentions, InstaCare's consent to the proposed amendment, and Shasta's service of Amended Invalidity Contentions in conformance with Plaintiff's proposed amendment constitute a showing of good cause for amendment;

WHEREAS, because the parties are still in the early stages of discovery claim construction and have yet to file any briefs on claim construction with the Court, and Defendants do not object to Plaintiffs amendment, Defendants will not be prejudiced by the requested amendment;

WHEREAS, on December 5, 2012, counsel for SHASTA notified Plaintiffs of their desire to Amend Exhibit B to Shasta Technologies' and Conductive Technologies' November 22, 2012, Amended Invalidity Contentions to correct a typographical error;

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1 WHEREAS, Plaintiffs have no objection to Shasta's desired amendment; 2 WHEREAS, Shasta's diligence in notifying Defendants regarding the typographical error and 3 Planitffs' consent to the proposed amendment constitute a showing of good cause; 4 WHEREAS, because the parties are still in the early stages of claim construction and have 5 yet to file any briefing with the Court, and Plaintiffs do not object to Shasta's amendment, Plaintiffs 6 will not be prejudiced by the requested amendment; 7 IT IS HEREBY STIPULATED by and between the parties hereto through their respective 8 attorneys of record, subject to approval by the Court, that: (1) Plaintiffs may amend the portion of 9 their Infringement Contentions concerning Patent Local Rule 3-1(f) to read as follows: "The asserted 10 claims of the '862 patent are entitled to the Feb. 14, 1996 filing date of the application that issued as 11 U.S. Patent No. 5,708,247," and (2) Shasta may amend its Invalidity Contentions to change the 12 patent number listed at the top of page 1 of Exhibit B to "4,415,666" rather than "445,666." 13 Dated: December 10, 2012 14 15 /s/ Eugene M. Gelernter /s/ Lael D. Andara Robert Andris (S.B. # 130290) Eugene M. Gelernter (admitted pro hac vice) 16 PATTERSON BELKNAP WEBB Lael D. Andara (S.B. # 215416) & TYLER LLP ROPERS, MAJESKI, KOHN & BENTLEY 17 1001 Marshall Street, Suite 500 1133 Avenue of the Americas Redwood City, California 94063-2052 New York, New York 10036 18 Telephone: (212) 336-2000 Telephone: (650) 364-8200 Facsimile: (212) 336-2222 Facsimile: (650) 780-1701 19 E-Mail:emgelernter@pbwt.com randris@rmkb.com landara@rmkb.com 20 Richard Goetz (S.B. #115666) O'MELVENY & MYERS LLP Attorneys for Defendants 21 400 South Hope Street SHASTA TECHNOLOGIES, LLC and Los Angeles, California 90071-2899 CONDUCTIVE TECHNOLOGIES, INC. 22 Telephone: (213) 430-6000 Facsimile: (213) 430-6407 /s/_Carole Handler 23 E-Mail: rgoetz@omm.com John J. Shaeffer (S.B. # 138331) 24 Carole Handler (S.B.# 129381) Sue Roeder (S.B. #160897) Jeff Grant (S.B. # 218974) O'MELVENY & MYERS LLP 25 LATHROP & GAGE LLP 2765 Sand Hill Road 1888 Century Park East, Suite 1000 Menlo Park, California 94025 26 Los Angeles, California 90067 Telephone: (650) 473-2600 Telephone: (310) 789-4600 27 Facsimile: (650) 473-2601

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3	LIFESCAN SCOTLAND, LTD.	J8			
4		Attorneys for Defendants			
		Attorneys for Defendants DECISION DIAGNOSTICS CORP. and			
5		PHARMATECH SOLUTIONS, INC.			
6	PURSUANT TO STIPULATION, IT IS SO ORDERED				
7	Pore S. Aure	Dated December <u>13,</u> 2012			
8	Hon. Paul S. Grewal	Dated December <u>+3, 2012</u>			
9	U.S. Magistrate Judge				
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I hereby attest that I have on file written permission to sign this stipulation from all parti	es
whose signatures are indicated by a "conformed" signature (/s/) within this e-filed document.	

/s/ Sean Marshall	
Sean Marshall	